

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

EUGENE HORTON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 02-cv-0282-MJR
)	
DONALD SNYDER,)	
JAMES GOODMAN, and)	
SHELTON FREY,)	
)	
Defendants.)	

MEMORANDUM and ORDER

REAGAN, District Judge:

In April 2002, Eugene Horton filed a § 1983 action for declaratory, injunctive, and monetary relief, alleging that he was denied access to the courts because his prison's library materials are insufficient. The Court referred the case to United State Magistrate Judge Gerald B. Cohn (Doc. 4), and later to United States Magistrate Judge Donald G. Wilkerson (Doc. 42). All Defendants except one were terminated. Defendant filed a timely motion to dismiss the case (Doc. 52).

On August 10, 2005, Magistrate Judge Proud submitted a Report recommending that the undersigned District Judge grant the motion in part and deny it in part. Specifically, it recommended that Plaintiff's claim for damages be dismissed without prejudice. The Report (Doc. 75) was sent to all parties with a Notice advising them that any objections must be filed by August 29, 2005.

No objections were filed, and the deadline has expired. Pursuant to **28 U.S.C. § 636(b)**, this Court need not conduct de novo review. *Thomas v. Arn*, **474 U.S. 140, 159-62 (1985)**;

Video Views, Inc. v. Studio 21, Ltd., 797 F.2d 538 (7th Cir. 1986).

Accordingly, the Court **ADOPTS** Magistrate Judge Proud's August 25, 2005 Report and Recommendation (Doc. 75), **GRANTS IN PART AND DENIES IN PART** Defendant's motion to dismiss (Doc. 52), and **DIRECTS** the Clerk of Court to **DISMISS WITH PREJUDICE** Plaintiff's claim for damages. The claims for declaratory and injunctive relief remain.

IT IS SO ORDERED.

DATED this 23rd day of September, 2005.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge